

Notice of Allowability

Application No.

09/929,216

Examiner

Cheryl Lewis

Applicant(s)

BANTZ ET AL.

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicants' communication received on April 1, 2004.
2. ☒ The allowed claim(s) is/are 1-45.
3. ☒ The drawings filed on 14 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Claims 1-45 are allowed.

REASONS FOR ALLOWANCE

2. The prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicants' invention nor anticipate the combination of claimed elements including "wherein if the rights are not full access rights and are not zero access rights, selectively modifying the content based on the rights includes degrading a level of quality of an output of the content such that the degraded level of quality of the output is less than a level of quality of output corresponding to full access rights but higher than a level of quality of output corresponding to zero access rights" as recited in independent claims 1 and similarly in independent claims 12, 14, 19, 21, 22, 32, 34, and 44.

As per claim 8, the prior art of record does not teach the combination of elements read in light of the specification including "wherein the modified content is a degraded quality version of the content that would be provided to the user if the user had a non-expired subscription" and similarly recited in independent claims 20, 28, and 40.

As per claim 10, the prior art of record does not teach the combination of elements read in light of the specification including "responsive to a determination that the subscription has expired, selectively modifying the content to form a modified

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content; and returning the modified content to the user, wherein the content is a music file” and similarly recited in independent claims 30 and 42.

The remaining claims 2-7, 9, 11, 13, 15-18, 23-27, 29, 31, 33, 35-39, 41, 43, and 45 comprise dependent claims, thus these claims are patently distinct over the art of record for at least the above reasons.

3. The examiner agrees with the applicants’ remarks filed on April 1, 2004, paper no. 4, page 14, lines 21-35, page 17, lines 1-25, page 19, lines 30-33, page 20, lines 1-30; page 21, lines 1-11 and 21-28; page 22, lines 1-7 and 29-31; and page 23, lines 1-16.

NAME OF CONTACT

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

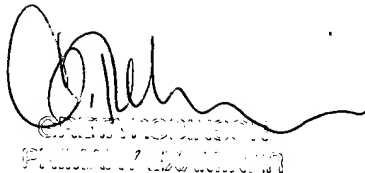
(703) 746-5651 (Use this FAX #, only after approval by Examiner, for “INFORMAL” or “DRAFT” communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
June 9, 2004



Cheryl Lewis
Patent Examiner
June 9, 2004